

NOT FOR PUBLICATION

NO. 24819

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAII

REYMUNDO A. CARBONEL, Plaintiff-Appellant,
v. STATE OF HAWAII, DEPARTMENT OF PUBLIC
SAFETY, Defendant-Appellee

APPEAL FROM THE FIFTH CIRCUIT COURT
(CIVIL NO. 01-1-0099)

SUMMARY DISPOSITION ORDER

(By: Watanabe, Acting C.J., Lim and Foley, JJ.)

Plaintiff-Appellant Reymundo A. Carbonel (Carbonel) appeals the February 28, 2002 Judgment of the Circuit Court of the Fifth Circuit¹ (circuit court). The Judgment granted the State of Hawai'i's June 29, 2001 Motion for Dismissal for Failure to State a Cause of Action upon Which Relief May Be Granted.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, we affirm.

Carbonel's complaint for damages against the State of Hawai'i, Department of Public Safety, was based on injuries he allegedly sustained on February 1, 1999, while being transported between Koloa Court and Koloa Jail in a state vehicle driven by a deputy sheriff. Carbonel filed his complaint on May 23, 2001.

¹The Honorable George M. Masuoka presided.

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Carbonel's complaint was barred by Hawaii Revised Statutes (HRS) § 662-4 (1993), which states in relevant part that a "tort claim against the State shall be forever barred unless action is begun within two years after the claim accrues." Waugh v. University of Hawaii, 63 Haw. 117, 125-26, 621 P.2d 957, 965 (1981).

Accordingly, the February 28, 2002 Judgment of the Circuit Court of the Fifth Circuit is affirmed.

DATED: Honolulu, Hawai'i, March 14, 2003.

On the briefs:

Reymundo A. Carbonel
plaintiff-appellant, pro so.

Acting Chief Judge

Elizabeth G. Fletcher,
Marie C. Laderta,
Deputy Attorneys General,
for defendant-appellee.

Associate Judge

Associate Judge